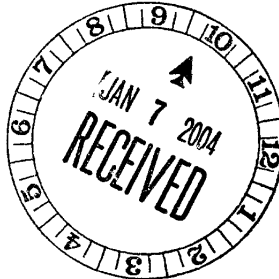




Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9242

Writer's Direct Dial Number

(757) 629-2759



James R. Paschall  
General Attorney

January 7, 2004

204798

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D. C. 20423-0001

Re: Docket No. AB-290 (Sub-No. 244X), Norfolk Southern Railway  
Company - Abandonment - Between Toler and Peg, Pike County,  
Kentucky -- Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an  
original and ten copies of the Notice of Exemption. Also, enclosed is a check in  
the amount of \$2800 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it  
to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

ENTERED  
Office of Proceedings

JAN - 7 2004

Part of  
Public Record

JRP/kch  
Enclosures

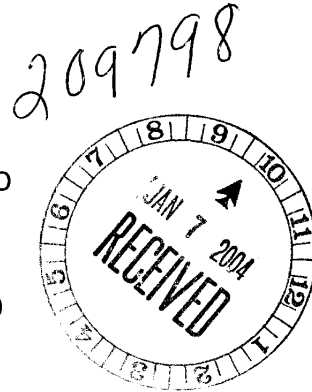
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Office of Proceedings

JAN - 7 2004

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 244X)



**FILED**

JAN - 7 2004

NORFOLK SOUTHERN RAILWAY COMPANY

**SURFACE  
TRANSPORTATION BOARD**

-- ABANDONMENT --

BETWEEN TOLER AND PEG,

IN PIKE COUNTY, KENTUCKY

**FEE RECEIVED**

JAN - 7 2004

**SURFACE  
TRANSPORTATION BOARD**

NOTICE OF EXEMPTION

**ENTERED  
Office of Proceedings**

JAN - 7 2004

**Part of  
Public Record**

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Milepost WP-2.20 at Toler and Milepost WP-10.94 at Peg, Kentucky.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between Milepost WP-2.20 at Toler and Milepost WP-10.94 at Peg, Kentucky, will be February 26, 2004.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is authority for abandonment of the line. The line for which the abandonment authority is sought consists of 8.74 miles of track between Milepost

WP-2.20 at Toler and Milepost WP-10.94 at Peg, in Pike County, Kentucky. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 41514.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. NSR will sell to the Commonwealth of Kentucky the necessary right of way it requires for a highway project. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, NSR has not yet fully researched the matter.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the


notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted.



---

C. W. Moorman  
Senior Vice President-Corporate Planning  
and Services  
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern  
Railway Company

Dated: 1/7/04

VERIFICATION

COMMONWEALTH OF VIRGINIA :  
: SS:  
CITY OF NORFOLK :

C. W. Moorman, being duly sworn, deposes and says that he is Senior Vice President Corporate Planning and Services of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 244X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

C. W. Moorman  
C. W. Moorman

Subscribed and sworn to before me  
this 7<sup>th</sup> day of January, 2004.

Kathy E. Headrick  
Notary Public

My commission expires:

6/30/04

[SEAL]

CERTIFICATION

STATE OF GEORGIA :

SS:

CITY OF ATLANTA :

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between Milepost WP-2.20 at Toler and Milepost 10.94 at Peg, Kentucky, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

V.W. Mason  
V. W. Mason

Subscribed and sworn to before me  
this 11<sup>th</sup> day of November, 2003.

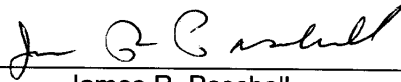
Mary K. Kiffin  
Notary Public

My commission expires:

STATE OF GEORGIA  
My Commission Expires June 13, 2004

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Michael Hill, Director, Division of Multimodal Program, Kentucky Transportation Cabinet; Regional Director, National Park Service, the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on January 7, 2004, by first class mail, postage prepaid.

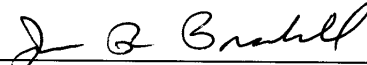
A handwritten signature in cursive script, appearing to read "James R. Paschall", is written over a horizontal line.

James R. Paschall



### CERTIFICATION

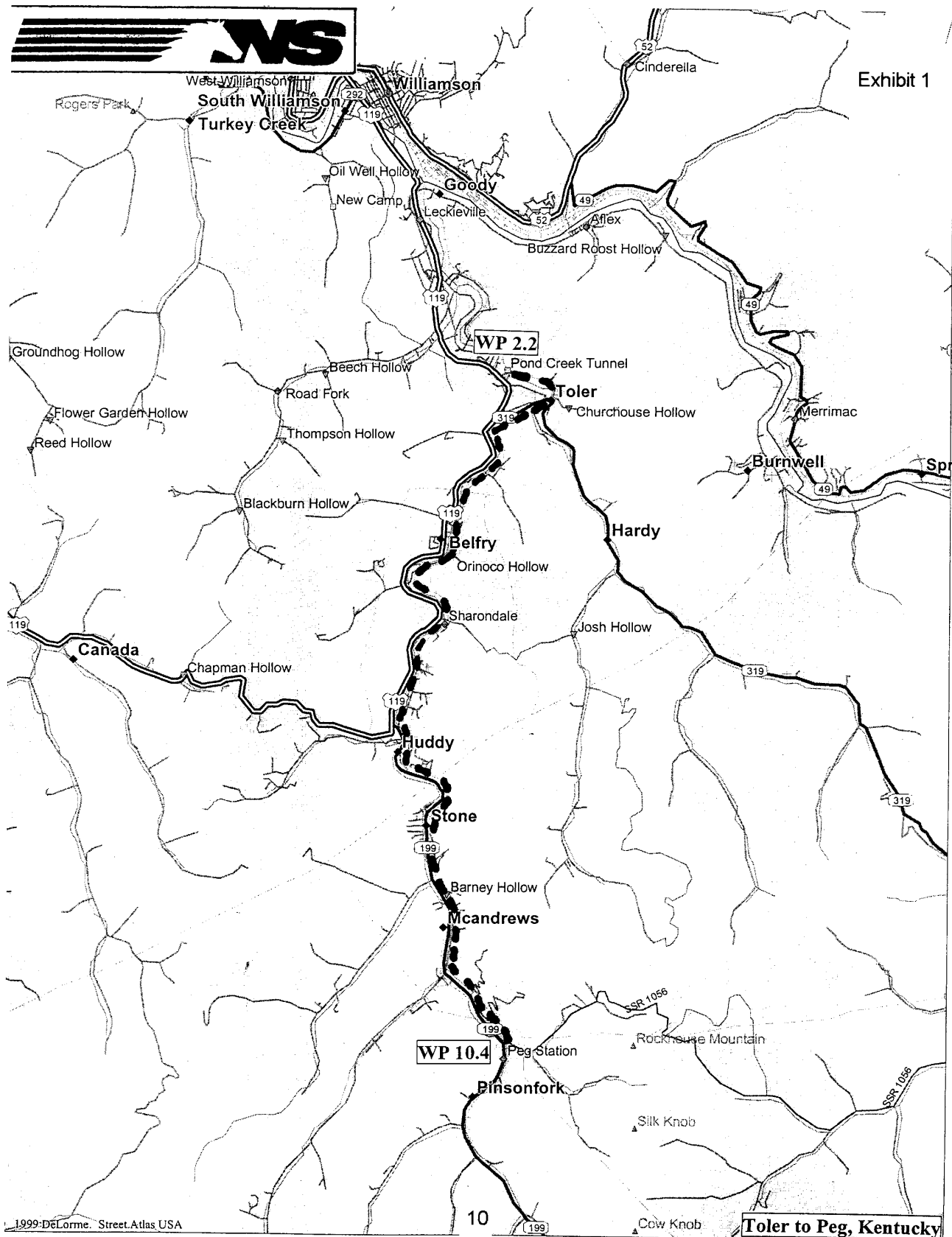
I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in the Appalachian News Express, Pikeville, Kentucky, on December 10, 2003 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

  
\_\_\_\_\_  
James R. Paschall

Dated: 1/7/04



Exhibit 1



**EXHIBIT 2**

**ENVIRONMENTAL AND  
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT  
NORFOLK SOUTHERN RAILWAY COMPANY  
(BETWEEN MP WP 2.20 AND MP WP 10.94  
TOLER TO PEG, KENTUCKY)**

.....  
**NORFOLK SOUTHERN RAILWAY COMPANY  
ENVIRONMENTAL PROTECTION DEPARTMENT  
110 FRANKLIN ROAD, SE  
ROANOKE, VIRGINIA 24042-0013**

**1-9-15-04  
07-10-03**

**(WIPEER.doc)**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**Abandonment of: 8.74 miles of track between MP WP 2.20 AND MP WP 10.94  
from Toler to Peg, Kentucky**

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSRC) proposes to abandon 8.74 miles of rail line from Toler to Peg, Kentucky. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

Were the line not handled in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and crossties. However, this would eliminate the long-term environmental and social benefits.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, rail traffic will not be diverted to highway mode as a result of the abandonment.

### 3. LAND USE

- (i) The proposed abandonment involves 8.74 miles of rail line from Toler to Peg, Kentucky. The land use along the rail line proposed for abandonment is 50% residential, 20% unimproved, 20% industrial and 10% forest. Where NSRC owns the right-of-way (ROW), NSRC plans to convey a substantial portion to the Commonwealth of Kentucky for a highway improvement project. Where NSRC does not own the ROW, the owner, local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, NSRC believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore, the proposed abandonment is expected to be consistent with any land use plans for the service area.

- (ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

- (iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NSRC plans to convey a substantial portion to the Commonwealth of Kentucky for a highway improvement project.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither Pike County, nor Toler or Peg has established analysis thresholds for air emissions. The State of Kentucky does have regulations for the control of particulate matter for nonattainment areas. However, Pike County is in attainment for all priority air pollutants. The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50. However, NSRC does not anticipate any adverse effect on Kentucky's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Pike County, Toler and Peg, Kentucky are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Pike County, Toler and Peg, Kentucky are in attainment for



ozone. NSRC does not believe any Class I or nonattainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither Pike County nor Toler or Peg, KY has established analysis thresholds for noise. The state of Kentucky does have a noise emission prohibition policy, Kentucky Revised Statute 224.30, however off-highway vehicles are exempted by KRS 224.30-170. These noise regulations can be found in **Appendix B**.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will not have a significant effect upon public health or safety. However, one benefit is that at grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSRC has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the Kentucky Department of Natural Resources has indicated 17 threatened or endangered species, that are known to exist in Pike County. They are listed in the Table below and in detail in **Appendix C**.

**TABLE**  
**ENDANGERED/THREATENED FEDERALLY AND/OR STATE SPECIES**  
**Pike County, Kentucky**

Scientific Name	Common Name	Federal Status	State Status
<i>Myotis sodalis</i>	Indiana Bat	E	E
<i>Adlumia Fungosa</i>	Allegheny Vine		E
<i>Agrumonia Gryposepala</i>	Tall Hairy Groovebur		T
<i>Boykinia Acontitifolia</i>	Brook Saxifrage		T
<i>Castanea Pumila</i>	Allegheny Chinkapin		T
<i>Chrysosplenium Americanum</i>	American Golden Saxifrage		E
<i>Liparis Loeselii</i>	Loesel's Twayblade		T
<i>Scutellaria Saxatilis</i>	Rock Skullcap		T
<i>Spiraea Alba</i>	Narrow-leaved Meadow sweet		
<i>Thuja Occidnetalis</i>	Northern White Cedar		T
<i>Trullium Undulatum</i>	Painted Trillium		T
<i>Glyphyalinia Rhoadsi</i>	Sculpted Glyph		T
<i>Pseudanophthalmus Hypolithos</i>	Ashcamp Cave Beetle		T
<i>Lampetra Appendix</i>	American Brook Lamprey		T
<i>Percina Macrocephala</i>	Longhead Darter		T
<i>Rhinichthys Cataractae</i>	Longnose Dace		E
<i>Aimophila Aestivalis</i>	Bachman's Sparrow		E

E- Endangered

T- Threatened

NSRC is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, NSRC does not believe that any endangered species that might be present would be adversely affected. NSRC is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated.

9. WATER

(i) Water Quality Standards

NSRC does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NSRC considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Pond Creek and three unnamed streams and passes through the 100-year flood plains associated with these streams. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSRC does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

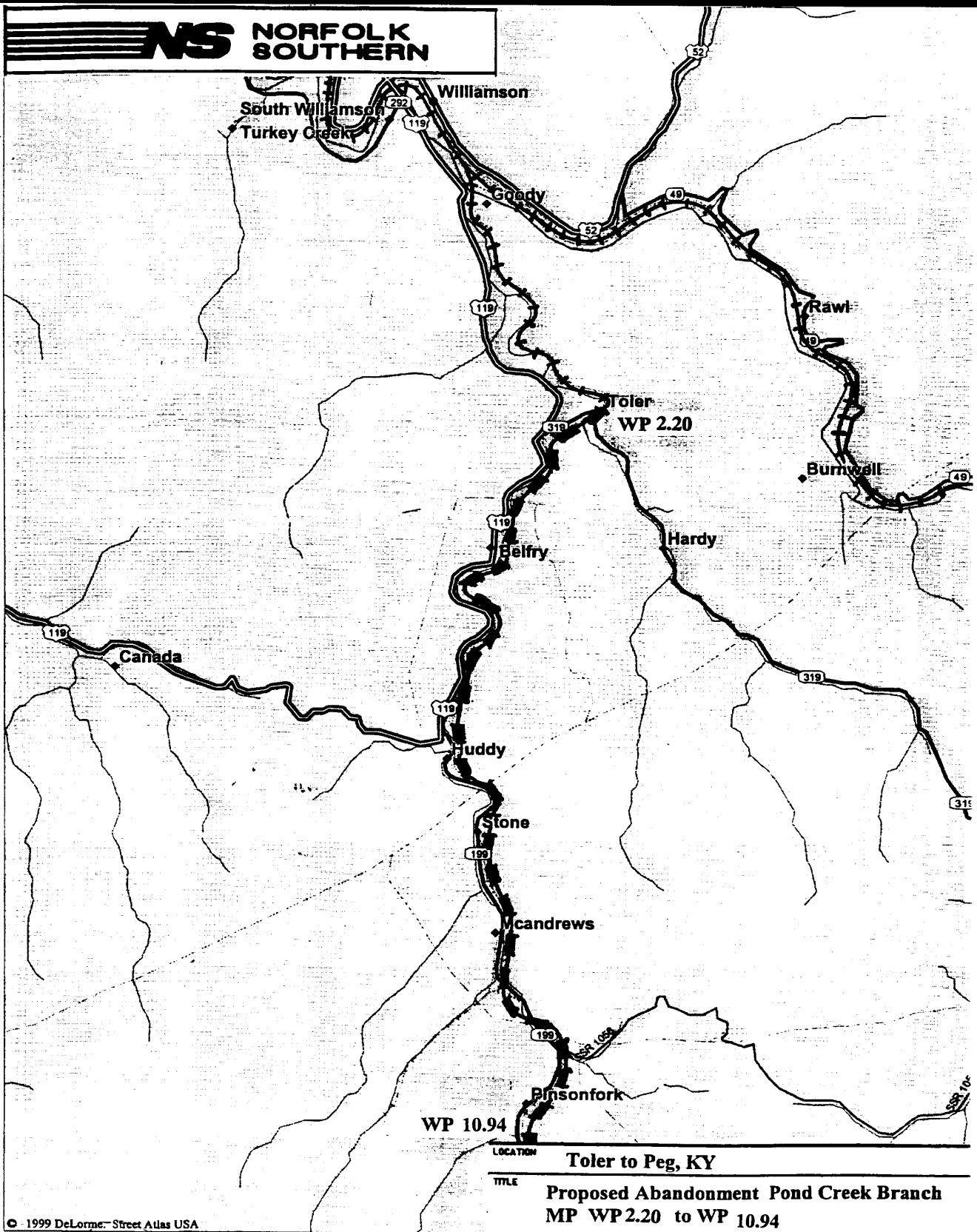
Inasmuch as NSRC does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill materials in connection with the proposed abandonment, water quality effects should be negligible. NSRC does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be caused by the proposed action. NSRC will undertake reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

# **APPENDIX A**

## **Site Map**



## **APPENDIX B**

### **Kentucky Noise Regulation**





## KENTUCKY LEGISLATURE

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### Kentucky Revised Statutes

#### List by Section

*Statutes Last Updated August 20, 2002*

Includes Enactments through the 2002 Regular Session  
This page was produced on 11/20/02 at 9:45:15 AM

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### KRS Chapter 224.30

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- [.050 Noise emission prohibitions.](#)
- [.100 Findings and policy.](#)
- [.105 Definitions for KRS 224.30-100 to 224.30-190.](#)
- [.110 Agency cooperation and compliance with control requirements -- Review of standards or regulations -- Report to secretary.](#)
- [.115 Development and maintenance of comprehensive state-wide program of noise regulation.](#)
- [.120 Powers of secretary.](#)
- [.125 Certification of products -- Purchase or lease for state government -- Periodic testing -- Procedure when level exceeds that on which certification is based.](#)
- [.130 Variances.](#)
- [.135 Conditions imposed on granting variances -- Time limit -- Extension.](#)
- [.140 Variance petition -- Notice -- Hearing.](#)
- [.145 Annual report.](#)
- [.150 Standards -- Enforcement jurisdiction.](#)
- [.155 Applicability of KRS 224.10-420, 224.10-440 and 224.10-470.](#)
- [.160 Remedies additional to those available at law.](#)
- [.165 Prohibitions.](#)
- [.170 Exceptions.](#)
- [.175 Local comprehensive noise regulation program.](#)
- [.180 Noise control plan -- Contents.](#)
- [.185 Adoption and enforcement of ordinances to implement plan.](#)
- [.190 Modification of motor vehicle exhaust system to increase noise prohibited.](#)
- [.195 Citation of KRS 224.30-100 to 224.30-190.](#)

[Previous Chapter](#) | [Next Chapter](#) | [Title Headings](#)

**224.30-050 Noise emission prohibitions.**

No person shall emit beyond the boundaries of his property or from any moving vehicle any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity in contravention of any rule or regulation adopted by the cabinet.

**History:** Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 19.

**Formerly codified as** KRS 224.065.

**224.30-115 Development and maintenance of comprehensive state-wide program of noise regulation.**

- (1) The secretary shall develop, adopt, and maintain a comprehensive state-wide program of noise regulation which may include, but not be limited to, the following:
  - (a) Controls on environmental noise (or one (1) or more sources thereof) through the licensing, regulation, and restriction of the use, operation, and movement of any product or combination of products.
  - (b) Noise emission standards for products which, in the secretary's judgment, are major sources of noise, or are products for which noise emission standards are feasible and are requisite to protect the public health and welfare.
  - (c) Labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, machine, vehicle, or equipment, or class thereof, without notice to the prospective purchaser, lessee, or user of the noise levels and characteristics emitted by such product, machine, vehicle or equipment, or its effectiveness in reducing noise, as the case may be.
  - (d) Development and adoption of ambient noise standards except such ambient noise standards shall not exceed those ambient noise standards promulgated by regulation by the administrator of the Federal Environmental Protection Agency.
  - (e) Development and adoption of a plan for the achievement of ambient noise standards.
  - (f) Noise insulation and abatement standards for any occupancy or class of occupancies of buildings, except residential dwellings and the limitation of human exposure to noise generated by mechanical equipment and systems associated with such buildings. Such noise insulation and abatement standards shall be based on criteria for the limitation of interior noise exposures appropriate to building and occupancy use.
  - (g) Establishment of special noise insulation districts within which specified building performance standards and noise insulation standards shall apply, in order to protect building occupants from excessive noise of external origins.
- (2)
  - (a) Any regulation promulgated pursuant to the authority of KRS 224.30-100 to 224.30-190 shall be one which, in the judgment of the secretary is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of the product or activity involved, the degree of noise reduction achievable through the application of the best commercially available technology, and the cost of compliance. In determining the degree of noise reduction achievable through the application of the best available technology, the secretary shall take into consideration technology which may be available at the time the regulation becomes effective.
  - (b) The cabinet may adopt rules and regulations to carry out KRS 224.30-100 to 224.30-190.

**Effective:** June 21, 1974

**History:** Created 1974 Ky. Acts ch. 74, Art. III, secs. 1 and 13, effective June 21, 1974; and ch. 99, sec. 5, effective June 21, 1974.

**Formerly codified as KRS 224.725.**

**224.30-135 Conditions imposed on granting variances -- Time limit -- Extension.**

- (1) In granting a variance the secretary may impose such conditions as the policy of KRS 224.30-100 to 224.30-190 requires. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of KRS 224.30-100 to 224.30-190 or of the regulations promulgated under it, the secretary may condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.
- (2) Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one (1) year, as shall be specified by the secretary at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the secretary shall specify. Such variance may be extended from year to year by affirmative action of the secretary but only if satisfactory progress has been shown.

**Effective:** June 21, 1974

**History:** Created 1974 Ky. Acts ch. 74, Art. III, secs. 1 and 13, effective June 21, 1974; and ch. 99, sec. 9, effective June 21, 1974.

**Formerly codified as KRS 224.745.**

**224.30-170 Exceptions.**

Nothing in KRS 224.30-100 to 224.30-190 shall apply to farm tractors or other farm machinery, equipment or vehicles primarily designed or used for off public highway use. This section shall be construed to exclude from the provisions of KRS 224.30-100 to 224.30-190 only such vehicles not required to be licensed for use on public highways.

**Effective:** June 21, 1974

**History:** Created 1974 Ky. Acts ch. 99, sec. 23, effective June 21, 1974.

**Formerly codified as** KRS 224.780.

**224.30-175 Local comprehensive noise regulation program.**

All local governments, as defined in KRS 224.30-105, may develop, adopt, and maintain a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and the development and adoption of a noise control plan.

**Effective:** June 21, 1974

**History:** Created 1974 Ky. Acts ch. 99, sec. 12, effective June 21, 1974.

**Formerly codified as** KRS 224.785.

## **Appendix C**

# **Endangered and Threatened Species**





COMMONWEALTH OF KENTUCKY



## Online Reports Available From KSNPC

Endangered, Threatened,  
and Special Concern List  
Search

**Search For Monitored  
Species By County**

Extinct and Extirpated  
Species

- Home
- ▣ Overview
- ▣ Our Biodiversity
- ▣ Nature Preserves
- ▣ Forms and Reports
- Publications Available
- Online Data
- Reports ▣
- Data Services**
- ▣ How Can I Help?
- KSNPC Staff
- Current Items
- Employment
- Newsletter
- Feedback

### Search Results

#### Monitored Species of Pike County, Kentucky

County	Taxonomic Group	Scientific Name	Common Name	Status
Pike	PLANTS	ADLUMIA FUNGOSA	ALLEGHENY-VINE	E
Pike	PLANTS	AGRIMONIA GRYPOSEPALA	TALL HAIRY GROOVEBUR	T
Pike	PLANTS	BOYKINIA ACONITIFOLIA	BROOK SAXIFRAGE	T
Pike	PLANTS	CASTANEA PUMILA	ALLEGHENY CHINKAPIN	T
Pike	PLANTS	CHRYOSPLENIUM AMERICANUM	AMERICAN GOLDEN-SAXIFRAGE	E
Pike	PLANTS	CORYDALIS SEMPERVIRENS	ROCK HARLEQUIN	S
Pike	PLANTS	DISPORUM MACULATUM	NODDING MANDARIN	S
Pike	PLANTS	HEXASTYLIS HETEROPHYLLA	VARIABLE-LEAVED HEARTLEAF	S
Pike	PLANTS	LIPARIS LOESELII	LOESEL'S TWAYBLADE	T
Pike	PLANTS	PODOSTEMUM CERATOPHYLLUM	THREADFOOT	S
Pike	PLANTS	SCUTELLARIA SAXATILIS	ROCK SKULLCAP	T
Pike	PLANTS	SOLIDAGO SQUARROSA	SQUARROSE GOLDENROD	H
Pike	PLANTS	SPIRAEA ALBA	NARROW-	E

This page last  
updated  
July 10, 2003

Kentucky State  
Nature Preserves  
Commission  
801 Schenkel Lane

Frankfort, KY  
40601  
Phone: (502)573-  
2886

Send comments or  
questions about  
this site to:  
Sara Hines



Department for  
Natural Resources



Natural  
Resources and  
Environmental  
Protection Cabinet

**NREPC  
Disclaimer**

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All rights reserved.

			LEAVED MEADOW- SWEET	
Pike	PLANTS	THUJA OCCIDENTALIS	NORTHERN WHITE CEDAR	T
Pike	PLANTS	TRILLIUM UNDULATUM	PAINTED TRILLIUM	T
Pike	PLANTS	ULMUS SEROTINA	SEPTEMBER ELM	S
Pike	GASTROPODS	GLYPHYALINIA RHOADSII	SCULPTED GLYPH	T
Pike	GASTROPODS	PATERA PANSELENUS	VIRGINIA BLADETOOTH	S
Pike	CRUSTACEANS	CAMBARUS VETERANUS	A CRAYFISH	S
Pike	INSECTS	PSEUDANOPHTHALMUS HYPOLITHOS	ASHCAMP CAVE BEETLE	T
Pike	FISHES	LAMPETRA APPENDIX	AMERICAN BROOK LAMPREY	T
Pike	FISHES	NOTURUS STIGMOSUS	NORTHERN MADTOM	S
Pike	FISHES	PERCINA MACROCEPHALA	LONGHEAD DARTER	T
Pike	FISHES	RHINICHTHYS CATARACTAE	LONGNOSE DACE	E
Pike	BIRDS	ACCIPITER STRIATUS	SHARP- SHINNED HAWK	S
Pike	BIRDS	AIMOPHILA AESTIVALIS	BACHMAN'S SPARROW	E
Pike	MAMMALS	MYOTIS SODALIS	INDIANA BAT	E/L
Pike	COMMUNITIES	APPALACHIAN MESOPHYTIC FOREST	APPALACHIAN MESOPHYTIC FOREST	N

Search another Kentucky County

Key to  
...

# Kentucky State Nature Preserves Commission Key for County List Report

The attached report lists endangered, threatened, special concern, and historic plants, animals, and natural communities (elements) reported from each county in Kentucky. Within a county, elements are arranged first by taxonomic complexity (plants first, natural communities last), and second by scientific name. A key to status, ranks, and count data fields follows.

## STATUS

KSNPC: Kentucky State Nature Preserves Commission status:

N or blank = none      E = endangered      T = threatened      S = special concern      H = historic      X = extirpated

USES: U.S. Fish and Wildlife Service status:

N or blank = none      C = candidate      LT = listed as threatened  
LE = listed as endangered

LTNL = Listed Threatened in part of its range, but is not listed in Kentucky (Copperbelly water snake has a special conservation agreement in 14 Kentucky counties as an alternative to Federal Listing.)

## RANKS

GRANK: Estimate of element abundance on a global scale:

G1 = extremely rare      G2 = rare      G3 = uncommon      G4 = common      G5 = very common  
GU = uncertain      GH = historically known and expected to be rediscovered      GX = extinct

Subspecies and variety abundances are coded with a 'T' suffix; the 'G?' portion of the rank then refers to the entire species.

SRANK: Estimate of element abundance in Kentucky:

S1 = extremely rare      S2 = rare      S3 = uncommon  
S4 = many occurrences      S5 = very common      SA = accidental  
SRF = reported falsely in literature      SU = uncertain      SX = extirpated  
SE = exotic      ? = unknown      SH = historically known in state  
SZ = not of significant conservation concern      SR = reported but without persuasive documentation  
S#B - breeding rank for non-resident species      S#N - non-breeding rank for non-resident species

## COUNT DATA FIELDS

# OF OCCURRENCES: Number of occurrences of a particular element from a county. Column headings are as follows:

E - currently reported from the county  
H - reported from the county but not seen since 1980 (at least 20 years)  
F - reported from county & cannot be relocated but for which further inventory is needed (previously reported as "O")  
X - known to have extirpated from the county  
U - reported from a county but cannot be mapped to a quadrangle or exact location.

## **Appendix D**

### **Agency Responses**



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Mr. Boyce Wells  
Kentucky Department of Environmental Protection  
14 Reilly Road  
Frankfort, Kentucky 40601

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Mr. Wells:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1522 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

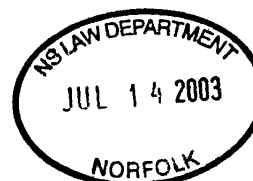
Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

  
K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps





Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Mr. Paul Hopkins  
Pike County Administrator  
119 River Drive  
Pikeville, Kentucky 41501

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

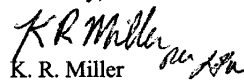
Dear Mr. Hopkins:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

  
K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Mr. Stanley Meiberg  
Deputy Administrator  
United States Environmental Protection Agency-Region 4  
Sam Nunn Federal Center  
61 Forsythe Street S.W.  
Atlanta, Georgia 30303-3104

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Mr. Meiberg:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

  
K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Ms. Maricela Constantino  
United States Fish and Wildlife Service  
177 Admiral Cochrane Drive  
Annapolis, Maryland 21401

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Ms. Constantino:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

  
K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps





Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Ms. Rosemary Gilbertson  
Chief of Environmental Engineering  
United States Army Corps of Engineers  
P. O. Box 59-CELRL-ED-E

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Ms. Gilbertson:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

A handwritten signature in dark ink, appearing to read "K. R. Miller", with a stylized flourish at the end.

K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Mr. Jacob Hoogland  
National Park Service-Environmental Review  
1849 C-Street NW (2310)

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Mr. Hoogland:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1522 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

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Sincerely,

A handwritten signature in black ink, appearing to read "K. R. Miller".

K. R. Miller

Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Ms. Denise Doetzer  
National Resource Conservation Service  
1606 Santa Rosa Road Suite 209  
Richmond, Virginia 23229

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Ms. Doetzer:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

A handwritten signature in dark ink, appearing to read "K R Miller" with a stylized flourish at the end.

K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

July 10, 2003  
1-9-5-4

Mr. Richard Snay  
1315 East/West Highway  
Room 8813  
Silver Spring, Maryland 20910

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 8.74 Miles of Rail Line Located between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky

Dear Mr. Snay:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Kentucky. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,



K. R. Miller  
Director Environmental Operations

Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Lipps

**Environmental Report on Proposed Rail Line Abandonment  
Toler to Peg, Kentucky  
Milepost (MP WP 2.20 to MP WP 10.94)**

**Report Recipients**

Sir	First Name	Last Name	Primary Address	City	State	Zip	Date Sent
Mr.	Boyce	Wells	Kentucky Department of Environmental Protection 14 Reilly Road	Frankfurt	KY	40601	07/10/03
Mr.	Paul	Hopkins	Pike County Administrator 119 River Drive	Pikeville	KY	41501	07/10/03
Mr.	Stanley	Meiberg	Deputy Administrator United States Environmental Protection Agency-Region 4 Sam Nunn Atlanta Federal Center 61 Forsythe Street S.W.	Atlanta	GA	30303-3104	07/10/03
Ms.	Maricela	Constantino	United States Fish and Wildlife Service 177 Admiral Cochrane Drive	Annapolis	MD	21401	07/10/03
Ms.	Rosemary	Gilbertson	Chief of Environmental Engineering United States Army Corps of Engineers P. O. Box 59-CELRL-ED-E	Louisville	KY	40201-0059	07/10/03
Mr.	Jacob	Hoogland	National Park Service-Environmental Review 1849 C-Street NW (2310)	Washington	DC	20240	07/10/03
Ms.	Denise	Doetzer	National Resource Conservation Service 1606 Santa Rosa Road Suite 209	Richmond	VA	23229	07/10/03
Mr.	Richard	Snay	Chief of Spatial Reference System Division 1315 East/West Highway Room 8813	Silverspring	MD	20910	07/10/03
Mr.	L. G.	Western	Norfolk Southern Railway Corporation	Norfolk	VA	24042	07/10/03
Mr.	J. R.	Paschall	Norfolk Southern Railway Corporation	Norfolk	VA	23510	07/10/03
Ms.	J. M.	Lipps	Norfolk Southern Railway Corporation	Norfolk	VA	23510	07/10/03

**ATTACHMENT 1**

**CONSULTATIONS**



Norfolk Southern Corporation  
99 Spring Street, S.W.  
Atlanta, Georgia 30303

September 15, 2003

Mr. Frank Maida  
NOAA, N/NGS2  
Room 8736  
1315 East - West Highway  
Silver Spring, Maryland 20910-3282

Dear Mr. Maida

Upon further investigation of Mr. Richard A. Snay's letter advising of the location of several geodetic station markers that may be affected by Norfolk Southern's abandonment and removal of 8.74 miles of track between Toler and Peg, Pike County Kentucky. It appears that the below listed markers may be in close proximity to the railroad right of way or on several of the bridge abutments on this line.

PIDS	DESIGNATION	LATITUDE	LONGITUDE
GY0506	TT 782	N373517	W0821612
GY0505	U 255	N373522	W0821605
GY0183	F 319	N373634	W0821609
GY3114	F 319 RESET 1976	N373634	W0821609
GY0184	W 82	N373646	W0821617
GY0186	X 82	N373734	W0821558
GY0187	H 319	N373809	W0821520

Also, a requirement of the STB decision in allowing Norfolk Southern to proceed with the abandonment of this trackage is the notification to NOAA 90 days prior to any activity in order to plan for the relocation of any markers. Please consider this letter as Norfolk Southern's compliance with this requirement.

Sincerely,

A handwritten signature in cursive script that reads 'Richard Dietz'.

Richard Dietz  
Engineer Track Design

**ATTACHMENT #2**

**HISTORIC REPORT**





Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9241

James R. Paschall  
General Attorney

Writer's Direct Dial Number

(757) 629-2752

October 27, 2003

Mr. David L. Morgan, Director  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, KY 40601

Re: Docket No. AB-290 (Sub-No. 244X), Norfolk Southern Railway Company --  
Abandonment -- between Toler and Peg, Kentucky

Dear Mr. Morgan:

On or about November 25, 2003, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 8.74 miles of rail line located between railroad milepost WP-2.20 at Toler and railroad milepost WP-10.94 at Peg, Kentucky. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J R Paschall".

James R. Paschall

JRP/sg

**HISTORIC REPORT**  
**PROPOSED RAIL LINE ABANDONMENT**

**PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 8.74 miles of rail line between Milepost WP-2.20 at Toler and Milepost WP-10.94 at Peg, Kentucky. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

**ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Kentucky Heritage Council.
- (2) **Written Description of Right of Way** -- The right of way width is 30 feet on each side of the main track centerline. The line passes through residential (50%), industrial (20%), undeveloped (20%) and forest (10%) areas.
- (3) **Photographs** -- Photographs were furnished to the Kentucky Heritage Council.
- (4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- The Norfolk Southern Railway Company (NSR) line of railroad that is the subject of the notice to the Surface Transportation Board (STB) exercising the class exemption for abandonment of an out-of-service rail line in this matter is an approximately 8.74-

mile rail line between Mileposts WP-2.20 near Toler, KY and WP-10.94 near Peg, KY in Pike County, Kentucky. It was built in 1912 by the Williamson and Pond Creek Railroad Company, a predecessor of Norfolk Southern Railway Company's predecessor, Norfolk and Western Railway Company (NW). The Williamson and Pond Creek railroad lines were constructed to serve several coal mines in the area.

There have been no shipments to or from the subject line in many years. There recently has been and there is now no demand for or prospect of rail service over the line. After exercise of the abandonment exemption authority for this line, Norfolk Southern Railway Company plans to convey a significant portion of that part of the right-of-way that it owns to the Commonwealth of Kentucky for use in a highway project.

Norfolk Southern Railway Company is not aware of any thing, event or structure with respect to or on the line of historic significance or that might distinguish it from other spurs and structures built to serve coal mines in eastern Kentucky and adjoining areas of West Virginia and Virginia, many of which continue to exist.

Pike County, Kentucky was formed from Floyd County on December 19, 1821. It was named for the explorer, General Zebulon M. Pike. Pike County, Kentucky's population in the year 2000 was 68,736 people. The Pike County seat is Pikeville. The area that was included in Pike County, Kentucky had been encompassed in larger Floyd County, Kentucky and in previous larger Virginia and Kentucky counties that were formed at earlier dates. Floyd County, Kentucky was

formed from Fleming, Mason and Montgomery Counties on December 13, 1799. Some Floyd County records were destroyed by fire in April 1808. Mason County, Virginia (later Kentucky) was formed from Bourbon County, Virginia, the 8th county to be formed in Kentucky. Montgomery County, Kentucky was formed from Clark County on December 14, 1796. Fires on March 4, 1851 and December 2, 1863 destroyed many early Montgomery County records. Clark County, Kentucky was formed from Bourbon and Fayette Counties in 1792 as the 14th county in Kentucky. Fleming County, Kentucky was formed from Mason County in 1798. Bourbon County, Virginia (later Kentucky) was formed from Fayette County, Virginia on May 1, 1785 as the 5th Kentucky County. Some Fleming County records were lost in a fire on May 8, 1872. Fayette County, Virginia (later Kentucky) was formed from Kentucky County, Virginia. It was one of the first three counties of Kentucky (with Lincoln and Jefferson Counties) when it was created on June 30, 1780. Most records for the period before January 31, 1803 were destroyed by fire. A second fire on May 14 1897 also destroyed some early records.

The information on Kentucky county formation was taken from an internet site by Lee H. Hoffmann, who credited as his sources: John E. Kleber, Ed., *The Kentucky Encyclopedia* (The University Press of Kentucky, 1992). Information was also taken from *Collins' History of Kentucky* (Covington, Ky, 1878, Re-print by Clearfield Co, Baltimore, 1995). Collins' History only contains data through 1874 and is essentially the same information as shown in The Kentucky Encyclopedia with some minor exceptions. Mr. Hoffmann notes that some counties may be listed

in a slightly different order of formation due to differences in dates of legislative action to form the counties and dates of local formation actions.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parentheses were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

Norfolk and Western Railway Company's predecessor, Norfolk and Western Railroad Company, was sold at foreclosure September 15, 1896 and conveyed to Norfolk and Western Railway Company, October 1, 1896. Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies shown in parentheses were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and

Western Railway Company.

The Lynchburg and Durham Railroad Company was sold at foreclosure September 16 or 24 (two internal sources differ), 1896 and conveyed to Norfolk and Western Railway Company October 6, 1896. Norfolk, Roanoke and Southern Railroad Company conveyed the property of Roanoke and Southern Railway Company (122 miles of line between Roanoke, VA and Winston-Salem, NC) that it purchased at foreclosure November 24, 1896, together with its rights and franchises, to Norfolk and Western Railway Company on December 2, 1896. Norfolk, Lynchburg and Durham Railroad Company conveyed the property of the Lynchburg and Durham Railroad Company that it had purchased at foreclosure September 16 or 24, 1896 to Norfolk and Western Railway Company on October 6, 1896.

Williamson and Pond Creek Railroad Company was incorporated on March 14, 1912 under the laws of Kentucky. It was built to serve several coal mines. On the date of its valuation by the Interstate Commerce Commission, June 30, 1916, Williamson and Pond Creek Railroad Company owned and operated 12.047 miles of single-track, standard gauge, steam railroad between Williamson, WV and McVeigh, KY, with branches between Toler, KY and Hardy, KY and between Pinson Jct., KY and certain coal mines, totaling 3.282 miles. It also owned 19.460 miles of yard and side tracks. All but 0.115-mile of the main line, which was in West Virginia, was in Kentucky. The Williamson and Pond Creek Railroad Company was controlled by Norfolk and Western Railway Company. The Williamson and Pond

Creek Railroad Company rail lines were constructed partly by contractor and partly by the Williamson and Pond Creek Railroad, with funds furnished by the Norfolk and Western. The Williamson and Pond Creek Railroad was opened to traffic on June 30, 1913.

In 1920-1, Norfolk and Western Railway Company acquired control through lease of the Williamson and Pond Creek Railroad Company. *Certificate for Norfolk & Western Ry.*, 65 ICC 757 (1921), decided January 25, 1921. The Williamson and Pond Creek line was then 16.29 miles in length. The Williamson and Pond Creek Railroad Company operated its own line from the time of its construction, starting November 1, 1912, except for the period of federal control, until the company was merged into the Norfolk and Western Railway Company in 1936.

The ICC authorized acquisition of the property of Williamson and Pond Creek Railroad Company, and three other NW subsidiaries, by the Norfolk and Western in *Norfolk & W. Ry. Co. Acquisitions*, 217 I.C.C. 57 (1936), decided July 3, 1936. The Williamson and Pond Creek Railroad Company owned 15.23 miles of main line and 22.53 miles of sidings on this date.

In *Norfolk & W. Ry. Co. Merger*, 307 ICC 401 (1957), subject to certain conditions, the Interstate Commerce Commission approved the merger of the Norfolk and Western Railway Company and the Virginian Railroad Company. The merger was consummated on December 1, 1957.

On March 17, 1961, the Norfolk and Western Railway Company filed applications with the Interstate Commerce Commission to merge, purchase, control

and/or lease the properties of the New York, Chicago and St. Louis Railroad Company (the "Nickel Plate"), the Wabash Railroad Company and the Sandusky line of the Connecting Railway Company, a Pennsylvania Railroad Company subsidiary. The ICC approved the transaction, subject to certain conditions, on July 24, 1964 in *Norfolk & W. Ry. Co. and New York, C. & St. L. R. Co. Merger*, 324 ICC 1 (1964).

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and the Norfolk and Western Railway and Southern Railway subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985).



Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company, which had been the name of a smaller predecessor company acquired by Southern Railway Company on January 1, 1974. At the time of the Norfolk Southern consolidation, that company was renamed Carolina and Northwestern Railway Company and the properties of that small Southern Railway Company subsidiary were combined with the old Norfolk Southern Railway Company properties. On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company. In the transaction effective December 31, 1990, Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

The Wabash Railroad Company was merged into the Norfolk and Western Railway Company on November 12, 1991. Norfolk and Western Railway Company had controlled and leased the property of the Wabash Railroad Company since 1964, pursuant to Interstate Commerce Commission authorization.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200

miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NS), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NS, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR have been managing and operating. NSR and CSXT have been managing and operating the allocated assets of PRR and NYC, respectively, since June 1, 1999 under the operating agreements approved by the STB in the 1998 decision cited above. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient. No change has been requested with respect to the continuing Conrail operation of Shared Asset Areas in the Northern New Jersey, Southern New Jersey/Philadelphia and Detroit areas for the joint benefit of NSR and CSXT.

In recent years, business and mining in the area served by the line of railroad between Toler, KY and Peg, KY has declined or closed or changed their transportation mode to motor carrier so that there is no demand or need for rail

transportation from locations along this line of track. The change contemplated in the operation of the segment of railroad line between Mileposts WP-2.20 near Toler, KY and WP-10.94 near Peg, KY in Pike County, Kentucky is to abandon the subject unused, unneeded and unproductive line of railroad, to salvage any usable materials remaining on the line and to the extent it has fee title to the real estate to deal with the right-of-way as ordinary real estate owned by Norfolk Southern Railway Company, in this case by selling it to the Commonwealth of Kentucky for a highway project. If the Commonwealth does not require the entire right-of-way to be abandoned that is owned by Norfolk Southern Railway Company, Norfolk Southern likely will consider selling it to interested adjoining landowners.

#### **Norfolk and Western Railway Company History Bibliography**

Following is a list of a significant number of the books concerning the history of the Norfolk and Western Railway Company that include operations in the coal fields of West Virginia and Kentucky. Some of these books relate general history of the company and its operations, but with an emphasis on providing transportation for coal shipments.

AUTHOR: Striplin, E. F. Pat.

TITLE: ***The Norfolk & Western: A History.***

PUBLISHER: Forest, VA : Norfolk & Western Railway Co. c1981.

AUTHOR: Link, O. Winston, 1911-

TITLE: ***Steam, Steel and Stars : America's Last Steam Railroad / O. Winston Link. Photographs by O. Winston Link;*** text by Tim Hensley; afterword by Thomas H. Garver.

OTHER TITLE: America's last steam railroad.

PUBLICATION: New York : Abradale Press/Abrams, 1998, c1987.

MATERIAL: 144 p. : ill., photos ; 26 x 29 cm.

AUTHOR Link, O. Winston, 1911-

TITLE: ***The Last Steam Railroad in America: from Tidewater to Whitetop.***

PUBLICATION: New York : H.N. Abrams, 1995.

DESCRIPTION: 144 p. : ill. (some col.) ; 28 x 30 cm.

CORPORATE SUBJECT: Norfolk and Western Railway--Pictorial works.

ADDED AUTHOR: Garver, Thomas H.

AUTHOR: Link, O. Winston, 1911-  
TITLE: ***Steam, Steel, and Stars: the Last Days of the Steam Railroad in America***  
[photographs by] O. Winston Link ; text by Timothy Hensley.  
PUBLICATION: New York : H.N. Abrams, 1985.  
DESCRIPTION: 144 p.

AUTHOR: Warden, William E.  
TITLE: ***Norfolk & Western: Diesel's Last Conquest.***  
PUBLICATION: Lynchburg, VA : TLC Publishing, c1991.  
DESCRIPTION: ii, 62 p. : ill. ; 28 cm.

AUTHOR: Lambie, Joseph T.  
TITLE: ***From Mine to Market; the History of Coal Transportation on the Norfolk and Western Railway.***  
PUBLICATION INFO: New York University Press, 1954.  
DESCRIPTION: xviii, 380 p. illus., ports., maps.

AUTHOR Vannoy, Tam Park.  
TITLE ***Along the Norfolk and Western : olden days and new ways : people, places, events.***  
PUBLICATION Bedford, VA : Tam Park Vannoy, c1991.  
MATERIAL 90 p. : ill. ; 22 cm.

AUTHOR: Huddleston, Eugene L., 1931-  
TITLE: ***Appalachian conquest : C&O, N&W, Virginian and Clinchfield Cross the Mountains***  
PUBLICATION: Lynchburg, VA : TLC Publishing Inc.; Clifton Forge, VA : The Chesapeake & Ohio Historical Society, Inc., c2002.  
DESCRIPTION: vi, 138 p. : ill. (some col.) ; 29 cm.

TITLE: ***Coal & Coke.***  
PUBLICATION: [s.l.] : Norfolk and Western Railway, 1963.  
DESCRIPTION: 84 p. : illus., maps, charts., ports. ; 28 cm.

AUTHOR: Dixon, Thomas W.  
TITLE: ***Appalachian Coal Mines & Railroads.***  
OTHER TITLE: Appalachian coal mines and railroads  
PUBLICATION: Lynchburg, Va. : TLC Publishing, 1994.  
MATERIAL v, 74 p. : ill., maps, plans ; 28 cm.

AUTHOR King, Ed, 1936-  
TITLE ***Norfolk & Western in the Appalachians : from the Blue Ridge to the Big Sandy.***

OTHER TITLE Norfolk and Western in the Appalachians  
PUBLICATION Waukesha, Wis. : Kalmbach Publishing Co., c1998.

AUTHOR Reid, H.  
MAIN TITLE **Norfolk & Western and Virginian Railways in Color.**  
edited by Lloyd D. Lewis.  
PUBLISHER Lynchburg, Va. : TLC Pub., 1994.

AUTHOR: Bruce, Thomas.  
TITLE: **Southwest Virginia and Shenandoah Valley : an inquiry into the causes of the rapid growth and wonderful development of Southwest Virginia and Shenandoah Valley, with a history of the Norfolk and Western and Shenandoah Valley Railroads ...**

PUBLICATION: Richmond : Hill Pub. Co., 1891.  
DESCRIPTION: 259 p.

AUTHOR: Norfolk and Western Railway Company.  
TITLE: **List of Coal and Coke Operations on the Norfolk and Western Railway...**  
showing location, name of operator and post office address, mine numbers and names, billing stations, selling agents and stations at which care are weighed and waybilled, no. 1-  
OTHER TITLE: List of coal and coke operations and briquetting plants  
PUBLICATION: Roanoke, Va., etc. ; 19--  
DESCRIPTION: v. : ill., maps (part fold.) ; 28 cm.

MAIN TITLE: **Virginia: Its Climate and Mineral Wealth.**  
AUTHOR: Norfolk and Western Railroad Company.  
PUBLISHER: [s.l.] : Norfolk and Western Railroad Company; 1891.  
TITLE: **The story of fuel satisfaction.**  
PUBLICATION: [s.l.] : Norfolk and Western Railway, [n.d.].  
MATERIAL: 32 p. : ports., maps. ; 28 cm.

TITLE: **Coal and Coke Operations in the Pocahontas Coal Field / Norfolk and Western Railroad.**  
EDITION: Photocopy.  
PUBLICATION: [s.l.] : The railroad, 1892.  
DESCRIPTION: 1 map ; 78 cm x 31 cm.

#### **Railroad Bridges, Generally**

AUTHOR: Maw, William Henry, 1838-1924.  
TITLE: **Modern Examples of Road and Railway Bridges : Illustrating the Most Recent Practice of Leading Engineers in Europe and America /** by William H. Maw and James Dredge.  
PUBLICATION: London : Published at the offices of "Engineering", 1872.

DESCRIPTION: iv, 180 p. : ill. ; 37 cm.

SUBJECT: Bridges.

AUTHOR: American Railway Engineering Association.

TITLE: ***Structural Fatigue and Steel Railroad Bridges***; proceedings of AREA seminar, by W. H. Munse, J. E. Stallmeyer [and] F. P. Drew.

PUBLICATION: Chicago [1968]

DESCRIPTION: iv, 152 p. illus. 23 cm.

NOTE: "Based on ... transcript of a structural fatigue seminar held in Chicago, Sept. 29, 1966, under the sponsorship of Committee 15 Iron and Steel Structures, of the American Railway Engineering Association."

AUTHOR: Howard, W. H., civil engineer.

TITLE: ***Report on the Valuation of Inter-State Railroad Bridges***.

PUBLICATION: [West Virginia? : s.n.], 1905 (Charleston, W. Va. : Tribune Print. Co.)

DESCRIPTION: 13 p. ; 23 cm.

SERIES: Monograph series / Institute for the History of Technology & Industrial Archaeology ; v. 4

NOTE: Includes bibliographical references (p. [75]-79).

AUTHOR: Spangenburg, Ray, 1939-

and Diane K. Moser

TITLE: ***The Story of America's Bridges***.

PUBLICATION: New York : Facts on File, c1991.

DESCRIPTION: 89 p. : ill. ; 29 cm.

SERIES: Connecting a continent.

SUBJECT: Railroad bridges -- United States -- History.

AUTHOR: Hay, William Walter, 1908-

TITLE: ***Railroad Engineering***.

PUBLICATION: New York : Wiley, c1982.

MATERIAL: xvi, 758 p., [2] folded leaves of plates : ill. ; 24 cm.

SUBJECT: Railroad engineering.

#### **Historic General Railroad Textbook and Regular Edition**

AUTHOR: Moody, John, 1868-1958.

TITLE: ***The Railroad Builders: a Chronicle of the Welding of the States***.

EDITION: Extra-illustrated ed. or regular edition

PUBLICATION: New Haven : Yale University Press, 1920, c1919.

DESCRIPTION: x, 257 p. : ill. ; 21 cm.

#### **General Railroad Photographic History**

AUTHOR: Carper, Robert S.  
TITLE: ***Focus: the Railroad in Transition.***  
PUBLICATION: South Brunswick [N.J.] A. S. Barnes [1968]  
DESCRIPTION: 260 p. illus. (part col.), map. 32 cm.  
SUBJECT: Railroads -- Pictorial works.

AUTHOR: Beebe, Lucius Morris, 1902-1966 and Charles Clegg.  
TITLE: ***The Trains We Rode.***  
PUBLICATION: Berkeley, Calif., Howell-North Books, 1965-66.  
DESCRIPTION: 2 v. illus. 29 cm.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** -- Bridge plans may be available for the structures on the line.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- It is carrier's opinion that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are small bridges which are short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. The line passes through residential, industrial, undeveloped and forest areas. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.



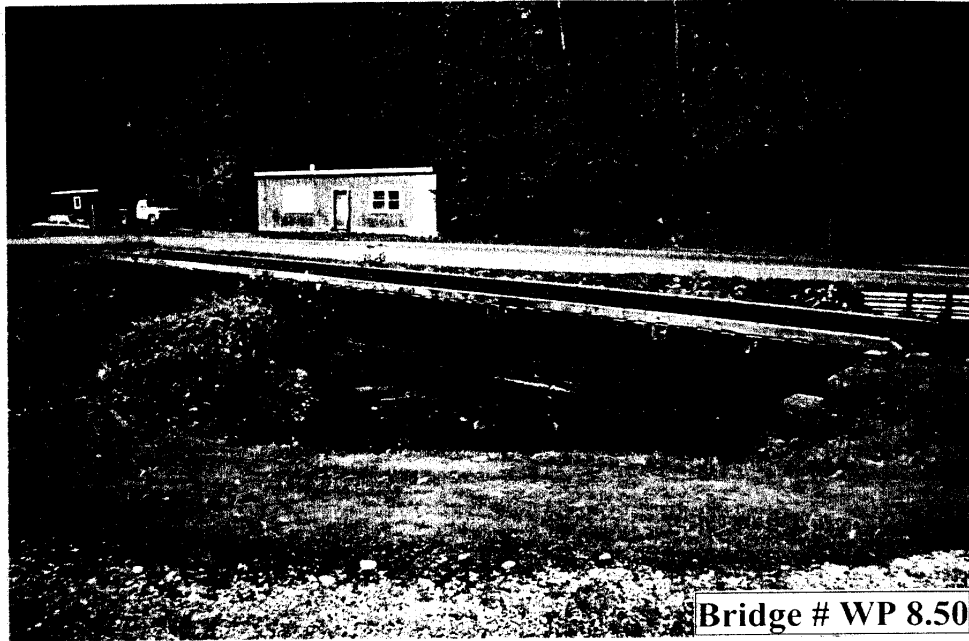
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BRIDGES AND STRUCTURES DEPARTMENT  
BRIDGE LISTING

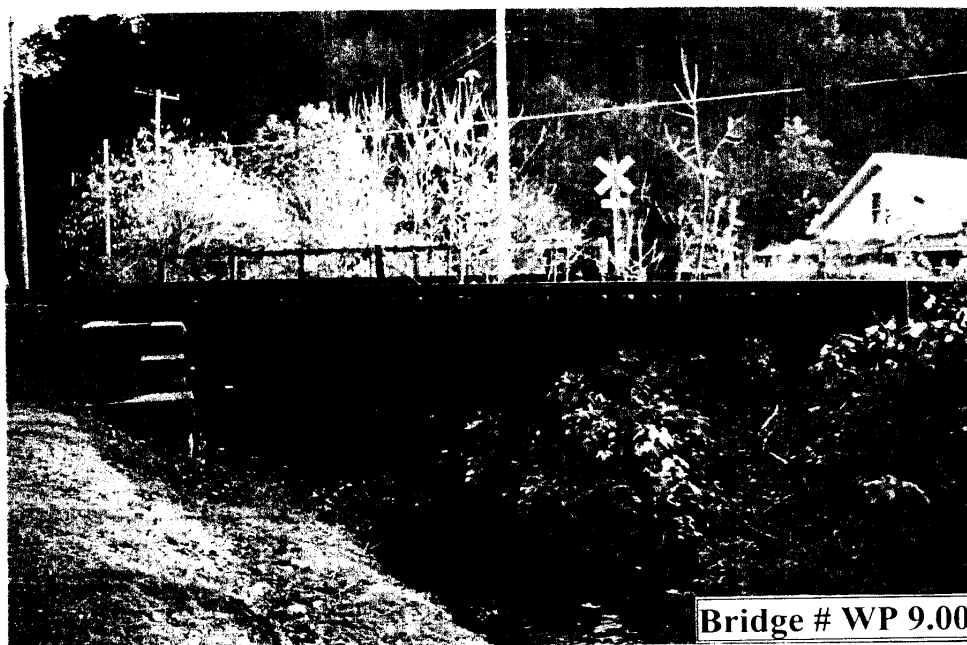
CAHONTAS DIVISION  
POCAHONTAS DISTRICT  
NO CREEK BRANCH

DATE RUN: 04/30/02  
PAGE 353

MILEPOST	NAME OF CROSSING	NO OF SPANS	DESCRIPTION STRUCTURE	DECK	LENGTH	TOTAL LENGTH	DATE BLT	MAX HT	ALIGN NO DG MN TKS ID	TK NEAREST ST NO	DOT ST NO	FILE NO	OLD BR NO	CONSTRUCTION DATE
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HP-3.01	PRIVATE ROAD, BLACKBERRY BR	2	DECK PL GDR	OPEN		75.00		14.0	T 1	M TOLER	KY 4711660	117-20994	P2	1912
HP-8.50	POND CREEK	2	DECK PL GDR	OPEN		77.00		10.0	T 1	M PINSON	KY	117-20995	P4	1912
HP-9.00	PINSON FORK	1	DECK PL GDR	OPEN		42.00		9.0	T 2	M PINSON	KY	117-20996	P5	1912
HP-9.04	POND CREEK	2	DECK PL GDR	OPEN		84.00	1912	10.0	T 1	M PINSON	KY	117-20997	P6	1912



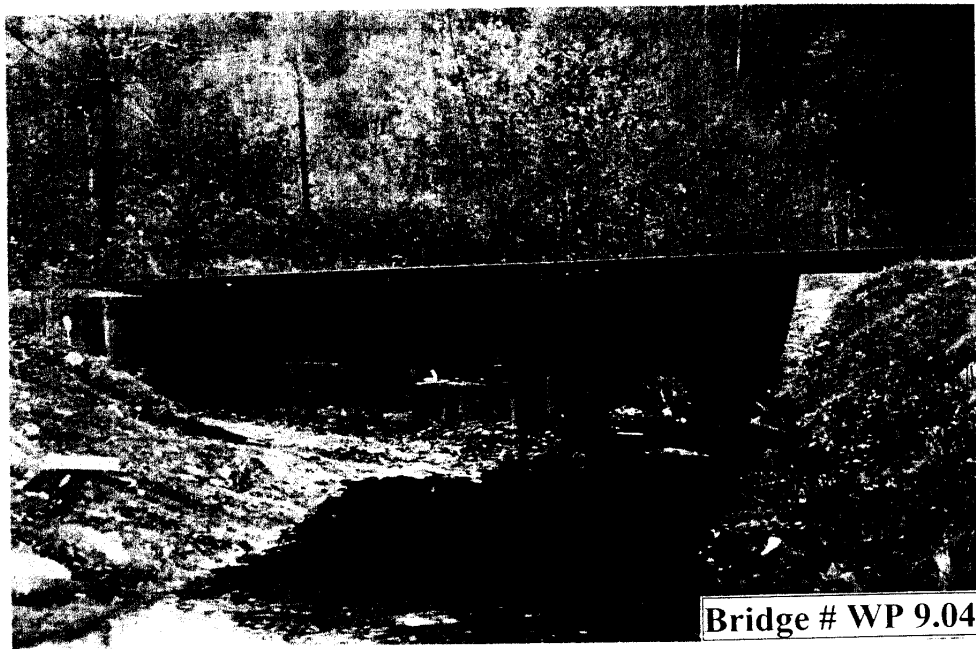




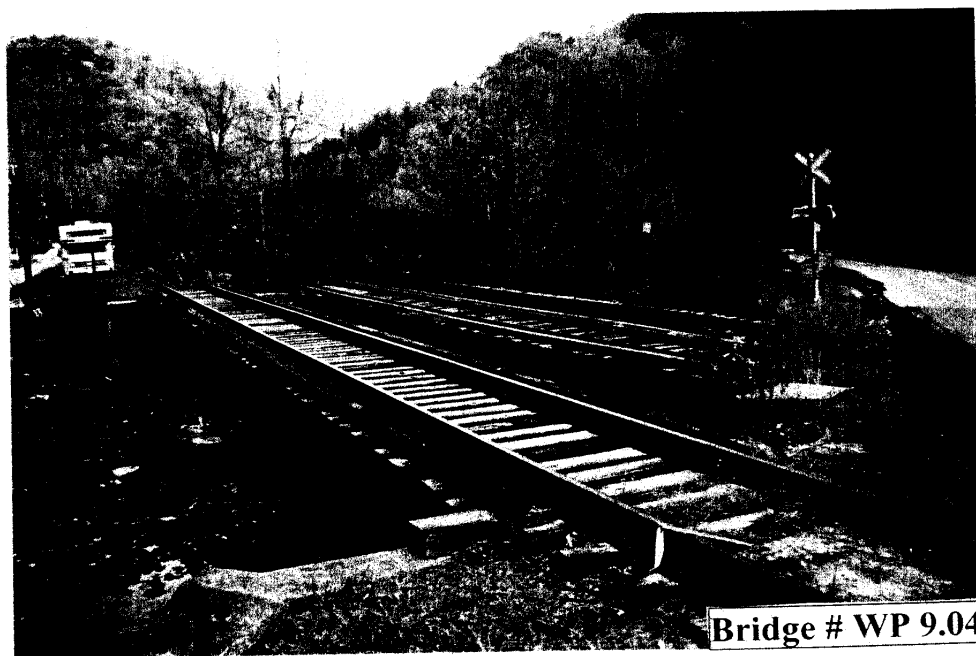
Bridge # WP 9.00



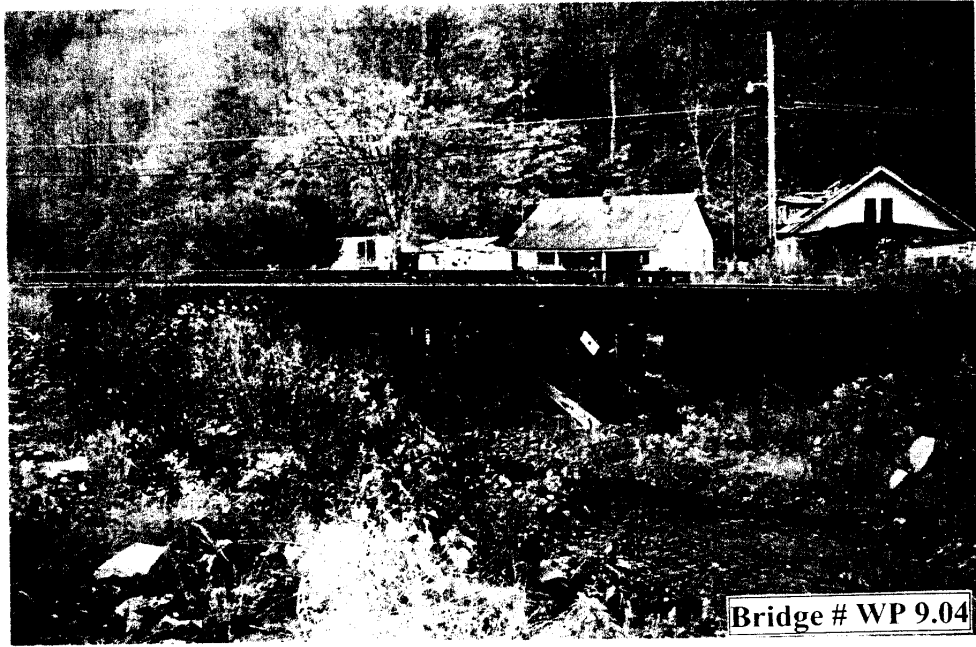
Bridge # WP 9.00



Bridge # WP 9.04



Bridge # WP 9.04



# News-Express

P.O. Box 802, 201 Caroline Avenue, Pikeville, Kentucky 41502 (606) 437-4054 or 432-0148

FAX (606) 437-4246

## NEWSPAPER AFFIDAVIT

I, Dana Potter, Editor of the **Appalachian News-Express** newspaper, published at Pikeville, Kentucky and having the largest general circulation of any newspaper in Pike County, Kentucky do hereby certify that from my own knowledge and a check of the files of this newspaper that the advertisement of Notice of Intent to Abandon Rail Service for Norfolk Southern Railway Company was inserted in the **Appalachian News-Express** on the following dates:

DATE 12-10-03 PAGE NO. 11B COLUMN NO. 445

DATE \_\_\_\_\_ PAGE NO. \_\_\_\_\_ COLUMN NO. \_\_\_\_\_

DATE \_\_\_\_\_ PAGE NO. \_\_\_\_\_ COLUMN NO. \_\_\_\_\_

DATE \_\_\_\_\_ PAGE NO. \_\_\_\_\_ COLUMN NO. \_\_\_\_\_

SIGNATURE Dana PotterSubscribed and sworn to before me by Dana PotterThis 10 day of December, 2003.NOTARY PUBLIC Gwen MullinsMy commission expires: August 1, 2005

*Norfolk Southern*  
*4+5*

Appalachian News-Express • Wednesday, December 10, 2003 • Page 11B

**NOTICE OF  
INTENT TO  
ABANDON  
RAIL SERVICE**

Norfolk Southern Railway Company gives notice that on or about January 7, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments, permitting the abandonment of an 8.74-mile line of railroad between milepost WP-2.20, near Toler, and milepost WP10.94, near Peg, which traverses through United States Postal Service ZIP Code 41514 in Pike County, Kentucky. The proceeding will be docketed as No. Ab-290 (sub-No. 244X). The STB's Section of Environmental Analysis (SEA) will

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generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597.

Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.





Exhibit 4

Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9242

James R. Paschall  
General Attorney

Writer's Direct Dial Number  
(757) 629-2759

December 26, 2003

Mr. Michael Hill, Director  
Division of Multimodal Program  
Kentucky Transportation Cabinet  
125 Holmes Street (A-5)  
Frankfort, KY 40622

Regional Director  
National Park Service  
100 Alabama St. SW  
1924 Building  
Atlanta, GA 30303

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

National Park Service  
Recreation Resources Assistance Division  
1849 C Street, N. W. (2310)  
Washington, DC 20240-0001

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
201 14<sup>th</sup> Street, SW at Independence Ave., SW  
Washington, DC 20250

Mr. William Shaddox  
National Park Service  
Land Resources Division  
1849 C Street, N. W. (2540)  
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 244X), Norfolk Southern Railway Company –  
Abandonment Between Toler and Peg, Kentucky

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about January 7, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 8.74-mile line of railroad lying between Milepost WP-2.20 at Toler and Milepost WP-10.94 at Peg, Pike County, Kentucky (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall